

REMARKS

Upon entry of the foregoing Amendment, claims 4, 9, 21-22, and 27-28 are pending in the application. Claims 9 and 21 have been amended. Claims 1-3, 6-8, and 24-26 have been cancelled. No claims have been newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §§ 101 AND 112, SECOND PARAGRAPH

The Examiner has rejected claim 9 under 35 U.S.C. §§ 101 and 112, second paragraph, as allegedly being directed to non-statutory subject matter and incomplete for omitting essential elements, respectively. Without acknowledging the propriety of these rejections, Applicants note that claim 9 has been amended as indicated above to recite that the system includes "at least one computer-readable storage medium having computer-executable instructions recorded thereon," and that "the computer-executable instructions [are] operable when executed on a processing device to" perform the further features recited therein.

As such, amended claim 9 produces a "useful, concrete, and tangible result," and is therefore directed to statutory subject matter, for at least the reason that amended claim 9 specifically recites various structural hardware components, as the Examiner has recommended. See Office Action, pages 2-3. Applicants therefore request the Examiner withdraw the rejection of claim 9 under 35 U.S.C. § 101.

Additionally, for similar reasons as discussed above, amended claim 9 does not omit essential elements that amount to a gap between the elements for at least the reason that amended claim 9 recites the hardware components indicated above. Therefore, amended claim 9 does recite various features "to provide structural specificity to system claims," as the Examiner has recommended. See Office Action, page 3. Applicants therefore request the Examiner withdraw the rejection of claim 9 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claims 4, 9, 21-22, and 27-28 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,636,833 to Flitcroft et al. ("Flitcroft") in view of WO Publication No. 99/66428 to Zucker et al. ("Zucker") further in view of U.S. Patent No. 7,203,315 to Livesay ("Livesay"). This rejection is improper and should be withdrawn for at least the reason that Flitcroft, Zucker, and Livesay, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, the references relied upon, either alone or in combination, do not disclose, teach, or suggest at least the feature of "receiving the anonymous delivery address from the delivery service, the anonymous delivery address associated with the delivery service and having a routing code embedded therein, wherein . . . the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address," as recited in independent claim 4, for example.

The Examiner acknowledges that "Flitcroft does not mention an anonymous delivery option." Office Action, page 7. The Examiner alleges, however, that Zucker teaches that "a registered freight company picks up the package and delivers the package to the actual name and address of the buyer." Office Action, page 8. Applicant disagrees with the Examiner's assessment for at least the reason that, even assuming that the Examiner has correctly characterized Zucker, the reference nonetheless fails to disclose, teach, or suggest at least the aforementioned feature of the claimed invention.

In particular, independent claim 4 specifically recites that "the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address." On the other hand, Zucker indicates that "the freight company server 152 schedules the pickup from the seller," where "[a]fter the package has been picked up, the freight company delivers the package to the actual name and address of the buyer." Zucker, page 14. As such, Zucker clearly does not disclose, teach, or suggest that "the delivery service receives a delivery at the

anonymous delivery address in response to the on-line transaction.” Instead, to the extent that Zucker describes a delivery (or freight) service, the delivery (or freight) service receives the delivery at the seller’s address, not at an address associated with the delivery service. For at least this reason, Zucker fails to cure the deficiency of Flitcroft with respect to the aforementioned feature of the claimed invention.

In addition, Zucker further fails to cure the foregoing deficiency of Flitcroft because Zucker does not disclose, teach, or suggest that “the anonymous delivery address” is received from the delivery service,” and that “the delivery service . . . uses the embedded routing code to route the delivery to the user’s real delivery address.” In fact, because Zucker describes the freight service picking up the package directly from the seller, Zucker does not even disclose, teach, or suggest an “anonymous delivery address.” Even to the extent that Zucker provides anonymity for a buyer’s address, Zucker describes an arrangement where a first entity (i.e., the third-party privacy servre 100) handles anonymity for the buyer’s address, while a second entity (i.e., the freight company 152) handles delivery to the buyer’s address. For at least this reason, Zucker further fails to cure the deficiency of Flitcroft with respect to the aforementioned feature of the claimed invention.

Finally, Applicants note that the Examiner also alleges that Livesay teaches “providing consumer anonymity for online transactions by providing the buyer an alias . . . shipping address.” Office Action, page 10. However, as in Zucker, Livesay does not disclose, teach, or suggest a “delivery service” that handles each of providing “the anonymous delivery address associated with the delivery service and having a routing code embedded therein,” receiving “a delivery at the anonymous delivery address in response to the on-line transaction,” and using “the embedded routing code to route the delivery to the user’s real delivery address.” Instead, Livesay clearly states that “[a]ll communications between user machine and the web site operator machine may be director through the intermediary machine,” but that the “alias destination address” that the intermediary machine provides is “an address of a third party destination.” Livesay, col. 4, lines 14-26.

Because Livesay consistently indicates that anonymous delivery is handled through cooperation between the intermediary and a third party, Livesay does not disclose, teach, or

suggest at least the feature of "receiving the anonymous delivery address from the delivery service," wherein the delivery service also "receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address," as recited in independent claim 4, for example. In contrast, Livesay describes, at best, an arrangement where an intermediary provides the anonymous delivery address, while a third-party handles eventual delivery to the buyer's real destination address. See Livesay, col. 11, line 1 – col. 13, 16. For at least this reason, Livesay also fails to cure the deficiency of both Flitcroft and Zucker with respect to the aforementioned feature of the claimed invention.

Accordingly, for at least the foregoing reasons, Flitcroft, Zucker, and Livesay, either alone or in combination, fail to disclose, teach, or suggest each and every feature of independent claim 4. In particular, the Examiner acknowledges that Flitcroft fails to disclose, teach, or suggest the feature discussed above, while Zucker and Livesay each fail to provide the equivalent level of delivery anonymity as provided in the claimed invention. For example, Zucker and Livesay each expose the buyer's real delivery information to more than one entity, whereas the claimed invention only exposes the buyer's real delivery information to one "delivery service" that handles all aspects of anonymous delivery. As such, for at least the foregoing reasons, the rejection is improper and should be withdrawn.

Independent claims 9 and 21 include features similar to those set forth in independent claim 4. Dependent claims 22 and 27-28 depend from and add features to one of independent claims 4 and 21. Thus, the rejection of these claims is likewise improper and should be withdrawn for at least the same reasons.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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